

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOYCE SUZANNE MURPHY,

Plaintiff,

v.

STATE OF WISCONSIN DEPT. OF JUSTICE,

Defendant.

ORDER

10-cv-114-slc

This is a civil action for monetary relief in which plaintiff Joyce Murphy, who is proceeding pro se, alleges violations of her constitutional rights pursuant to 42 U.S.C. § 1983. Plaintiff has now paid the \$350 fee for filing this case.

The next step is for plaintiff to serve her complaint on the defendant. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving her case to resolution. If plaintiff acts promptly, she should be able to serve her complaint on the defendant well before the deadline for doing so established in Rule 4.

For plaintiff's information, Fed. R. Civ. P. 4(j)(2) states

Service upon a state, municipal corporation or other governmental organization subject to suit shall be effected by delivering a copy of the summons and of the complaint to its chief executive officer or by serving the summons and complaint in the manner prescribed by the law of that state for the service of summons or other like process upon any such defendant.

Wis. Stat. § 801.11(3) provides that when serving the state, the summons and complaint should be delivered to the attorney general or left at the attorney general's office in the capitol with an assistant or clerk.

To guide plaintiff in the procedure for serving a complaint on a municipality, I am enclosing copies of Fed. R. Civ. P. 4 and Wis. Stat. § 801.11(3). In addition, I am enclosing to plaintiff a summons form and an extra copy of her complaint for service on the defendant. Plaintiff should note that proof of service must be filed with the court after service has been accomplished. The back of the summons form provides space in which the person serving the defendant can attest to the time, place and manner in which service of process was made.

ORDER

IT IS ORDERED that plaintiff promptly shall serve her complaint on the defendant and file proof of service of her complaint as soon as service has been accomplished. If, by August 13, 2010, plaintiff fails to submit proof of service of her complaint on the defendant or explain her inability to do so, I will direct plaintiff to show cause why her case should not be dismissed for lack of prosecution.

Entered this 11th day of June, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge